THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE G.CHANDRAIAH

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WRIT PETITION NO.11749 OF 2007

Dated: 02.07.2007

Between:

M.V.V. Jagan Mohan Rao

..Petitioner

And

1. The District Educational Officer,
   Machilipatnam and others

.. Respondents.

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THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.11749 OF 2007

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This is a writ petition filed by the petitioner challenging the order, dated 17.04.2007 passed by the A.P. Administrative Tribunal in Review M.A.No.791 of 2007 in O.A.No.5594 of 2006.

The petitioner herein is the applicant in the above O.A.

Originally, the petitioner-applicant filed the above O.A., seeking to set aside the proceedings Rc.No.127-A/2/2005, dated 29.5.2006 and consequently, to direct the 1st respondent to appoint the applicant as District Co-ordinator in the office of the 2nd respondent. It is the case of the petitioner that he is a School Assistant and in furtherance of the G.O. issued by the 1st respondent inviting applications from the eligible school assistants to be deployed as District Co-ordinators, he made an application along with three other candidates, but without considering his case, the official respondents issued orders redeploying the 3rd respondent herein, who is a Data Entry Operator. Hence, the petitioner-applicant was constrained to file the above O.A.

The Tribunal having observed that the 3rd respondent is not a school assistant and the action of the respondents-authorities is contrary to the guidelines issued in G.O.Rtc.No.1214, dated 12.8.1997, set aside the proceedings impugned therein and also directed the respondents-officials to consider the claim of the applicant along with three other incumbents. Having aggrieved by the same, the respondents-authorities filed a review M.P.No.791 of 2007 seeking to

review the orders passed by the tribunal in the above O.A., on the ground that one B.S.C. Sekhar Singh, 2nd respondent in the review, who is a school assistant, has been working for 11 years in the Education Department and hence, he was deputed to work as District Co-ordinator and that the Tribunal erred in holding that the 2nd respondent is not a School Assistant and is not entitled to be deployed as District Co-ordinator. Along with the review petition, the respondents-officials filed the proceedings of the District Educational Officer, dated 26.12.1994 to show that the unofficial respondent was promoted and posted as School Assistant and he is 11 years senior to the applicant.

Having regard to the above facts and circumstances and the evidence adduced as to the cadre of the 3rd respondent herein, the tribunal allowed the review MP by setting aside the order in the O.A.No.5594 of 2006. Having aggrieved by the same, the petitioner-applicant filed the present writ petition.

Heard the learned Counsel appearing for the petitioner as well as the learned Government Pleader for Education and perused the material available on record.

A perusal of the material available on record goes to show that on the earlier occasion, in the absence of any evidence as to the cadre of the 3rd respondent herein, the tribunal had inadvertently held that data entry operator is not entitled to be redeployed and subsequently, on the application filed the authorities to review the order by adducing evidence as to the cadre of the 3rd respondent, the tribunal has rightly observed that the 3rd respondent herein was promoted and posted as School assistant vide proceedings of the authorities and in exigency, he was redeployed as Data Entry Operator and he is having 11 years

seniority than the applicant and therefore, his case was considered for redeployment in consonance with the G.O.

In view of the above facts and circumstances, we do not find any reason to interfere with the order of the tribunal in the review M.P.

Accordingly, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date: 02.07.2007
Nn/gurc

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO.11749 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

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Dated: 02.07.2007